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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,557	09/09/2003	Jeff Hunter	7870-003	3089
20575	7590	09/11/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			MOFIZ, APU M	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,557

Applicant(s)

HUNTER ET AL.

Examiner

Apu M. Mofiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-22 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 4, Examiner is unclear as to what is meant by "relevancy of the first term with the first term" and "relevancy of the second term with the second term"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15 and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sundaresan (US Patent No. 6,681,223).

As to claims 1,11-13, 17,18 and 20-22, Sundaresan teaches a method of performing a context-sensitive search comprising (col 1, lines 25-27, lines 52-64; col 4, lines 62-64; col 6, lines 54-59; col 7, lines 11-23, lines 25-27; col 10, lines 25-38; col 11, lines 1-6; col 12, lines 19-24; col 13, lines 15-20): accepting a selection of a first document; accepting a selection of a first term from within the first document (col 1, lines 25-27, lines 52-64; col 4, lines 62-64; col 6, lines 54-59; col 7, lines 11-23, lines 25-27; col 10, lines 25-38; col 11, lines 1-6; col 12, lines 19-24; col 13, lines 15-20); determining a context of the first term with respect to the first document (col 1, lines 25-27, lines 52-64; col 4, lines 62-64; col 6, lines 54-59; col 7, lines 11-23, lines 25-27; col 10, lines 25-38; col 11, lines 1-6; col 12, lines 19-24; col 13, lines 15-20); choosing at least two documents that contain the first term (col 1, lines 25-27, lines 52-64; col 4, lines 62-64; col 6, lines 54-59; col 7, lines 11-23, lines 25-27; col 10, lines 25-38; col 11, lines 1-6; col 12, lines 19-24; col 13, lines 15-20); and ranking the at least two documents that contain the first term according to how closely a context of the first term with respect to the at least two documents matches the context of the first term with respect to the first document (col 1, lines 25-27, lines 52-64; col 4, lines 62-64; col 6, lines 54-59; col 7, lines 11-23, lines 25-27; col 10, lines 25-38; col 11, lines 1-6; col 12, lines 19-24; col 13, lines 15-20).

As to claims 2,3 and 13, Sundaresan teaches wherein accepting a selection of a first term from within the first document comprises: accepting a selection of the first term in response to a device chosen from the group consisting of a computer mouse, a

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trackball, a joystick, a touchpad, and a laser pointer (col 1, lines 25-27, lines 52-64; col 4, lines 62-64; col 6, lines 54-59; col 7, lines 11-23, lines 25-27; col 10, lines 25-38; col 11, lines 1-6; col 12, lines 19-24; col 13, lines 15-20).

As to claims 4, 9, 10, 13-15, Sundaresan teaches accepting a selection of a second term from the first document; determining a context of the second term with respect to the first document; associating a first modifier that is indicative of the relevancy of the first term with the first term; associating a second modifier that is indicative of the relevancy of the second term with the second term; instead of choosing at least two documents that contain the first term, choosing at least two documents that contain the first and second terms; and ranking the at least two documents that contain the first and second terms according to how closely a context of the first and second terms with respect to the at least two documents matches the context of the first and second terms with respect to the first document, and according to the first and second modifiers (col 1, lines 25-27, lines 52-64; col 4, lines 62-64; col 6, lines 54-59; col 7, lines 11-23, lines 25-27; col 10, lines 25-38; col 11, lines 1-6; col 12, lines 19-24; col 13, lines 15-20).

As to claims 5-8 and 19, Sundaresan teaches wherein determining a context of the first term with respect to the first document and determining a context of the second term with respect to the first document comprises: identifying whether any structural tags exist in the first document (col 1, lines 25-27, lines 52-64; col 4, lines 62-64; col 6, lines

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54-59; col 7, lines 11-23, lines 25-27; col 10, lines 25-38; col 11, lines 1-6; col 12, lines 19-24; col 13, lines 15-20).

Allowable Subject Matter

5. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of Sundaresan does not disclose, teach or suggest the claimed limitations of (in combination with all other features in the claims) wherein assigning the first document a complexity rating that is indicative of the complexity of the first document's structure comprises: assigning the first document a first rating if the first document has no structural tags and no discernible structure; assigning the first document a second rating if the first document has no structural tags but a discernible structural pattern; assigning the first document a third rating if the first document has structural tags with physical markup; and assigning the first document a fourth rating if the first document has structural tags with physical and logical markup as claimed in claim 16.

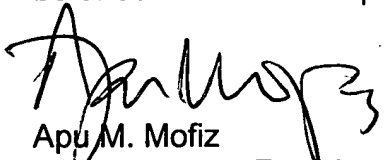
Points of Contact

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Apu M. Mofiz whose telephone number is (571) 272-4080. The examiner can normally be reached on Monday – Thursday 8:00 A.M. to 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached at (571) 272-4146. The fax numbers for the group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



Apu M. Mofiz
Primary Patent Examiner
Technology Center 2100

September 06, 2006